



Practitioner's Docket No. 19400/09003

#10
mp
2/28/02
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reference prior application of: Schade, Deborah A.; Merkel, Kimberly L.; Hansen, James W.
Application No.: 09/381,484 Group No.: 1617
Filed: February 28, 2000 Examiner: Shengjun Wang
For: Use of Docosahexaenoic Acid and Arachidonic Acid Enhancing The Growth of Preterm Infants

Box CPA
Commissioner for Patents
Post Office Box 2327
Arlington, VA 22202

CONTINUED PROSECUTION APPLICATION (CPA)
(37 C.F.R. Section 1.53(d))

1. This is a request for a filing of a continuation continued prosecution application under 37 C.F.R. Section 1.53(d) of the above-identified prior nonprovisional application.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional)

I hereby certify that, on the date shown below, this correspondence is being:

- MAILING**
☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231
37 CFR 1.8a
☐ with sufficient postage as first class mail.
☒ as "Express Mail Post Office to Addressee" Mailing Label
37 CFR 1.10
No. ET938670058US
TRANSMISSION
☐ facsimile transmitted to the Patent and Trademark Office, 703 _____

Date: February 19, 2002


Signature

Deborah Anne Weiner

Type or print name of person certifying

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

02/22/2002 AHONDAF1 00000085 09381484

01 FC:131

740.00 OP

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 C.F.R. Section 1.53(d)(2)(iv).

It is also requested that the above identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. Section 1.53(d)(2)(v).

2. With respect to the above identified prior nonprovisional application, this continued prosecution application is being filed before the termination of the proceedings on the prior application. 37 C.F.R. Section 1.53(d)(1)(ii)(C).

The term for response or taking action in the prior application expires on February 21, 2002.

An extension of time in the prior application is filed concurrently in the prior application.

3. It is noted that:

- * This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. Section 1.53(d)(2)(ii).
- * Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. Section 122 to the extent that any member of the public, who is entitled under the provisions of Section 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. Section 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. Section 1.53(d)(6).
- * Filing of this request is the specific reference required by 35 U.S.C. Section 120 to every application assigned the application number identified in this request and that no amendment in this application may delete this specific reference to any prior application. 37 C.F.R. Sections 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors, the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. Section 1.53(d)(2)(iii) is being filed.

5. Attached hereto is a response addressing a Final Office Action that the PTO made prior to the filing of this continuation prosecution application.

6. Information Disclosure Statement

Enclosed is an Information Disclosure Statement in accordance with the requirements of 37 C.F.R. Section 1.98.

7. Fee Calculation

, Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims (37 CFR 1.16(c))	15	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00

	Filing Fee Calculation	\$740.00
8. Fee Payment Being Made at This Time		
Enclosed		
Extension for reply within third month		\$920.00
Total Fees Enclosed		\$1,660.00

9. Method of Payment of Fees

Attached is check in the amount of \$1,660.00.

10. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 50-1196:

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a))

11. Instructions as to Overpayment

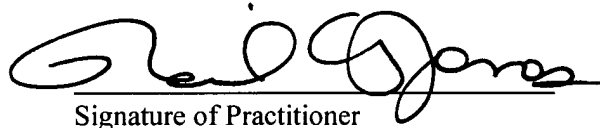
Credit Account No. 50-1196

12. Change of Correspondence Address Since Filing of Parent Application

Since this filing is a continuation there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

Date: February 19, 2002

Reg. No.: 35,561
Tel. No.: 864-250-2260
Customer No.: 19400/09003



Signature of Practitioner

Neil C. Jones
Nelson Mullins Riley & Scarborough LLP
Keenan Building, Third Floor
1330 Lady Street
Columbia, SC 29201